

Sunset Public Hearing Questions for
LICENSING STANDARDS COMMITTEES,
DEPARTMENT OF CHILDREN'S SERVICES
Created by Section 37-5-516, *Tennessee Code Annotated*
(Sunset termination June 2013)

1. Provide a brief introduction to the committee, including information about its purpose, statutory duties and staff.

The Licensing Standards Committee is an entity established under TCA 37-5-516 for the purpose of reviewing existing rules, proposing revisions or making recommendation to the Commissioner of the Department of Children's Services regarding the establishment of new rules to be applied in the regulation of each class of licensed entities falling within the regulatory authority of the Tennessee Department of Children's Services Licensing Division.

The committee is comprised of twelve (12) core members, including three (3) members from each grand division, as well as three (3) at-large members. The committee also includes various staff from the Tennessee Department of Children's Services, as well as additional representatives from the various classes of licensed entities, the administrative offices of the court and child welfare advocacy organizations.

2. Provide a list of the committee members and describe how membership complies with Section 37-5-516, *Tennessee Code Annotated*. What criteria were used in selecting the members? Is at least one member of the committee 60 years of age or older and one member a member of a racial minority as required by statute?

The Department of Children's Services is currently in process of establishing the Licensing Standards Committee for this cycle.

A list of current proposed committee members is attached as **Exhibit A**.

Several committee members and participants are members of a racial minority, and at least one member of the committee is over 60 years of age (as denoted within the list).

Committee members are selected based on prior participation, subject matter expertise and on general recommendations from a variety of sources. Each committee member serves strictly on a volunteer basis.

3. The committee is, by statute, responsible for developing and recommending to the commissioner standards and regulations for any new class of child care agency. How is it determined if a class of child care agency is "new?" Who makes the determination? When the determination is made, how and by whom is standards and regulations development started? What was the last class of agency requiring the development of standards?

A new class of care is determined if there is a type of service being provided that cannot be adequately served and regulated by existing statutes and rules.

Any concerned citizen including, but not limited to, children's advocacy, judicial and legislative representatives, and staff from regulated entities, state employees or community representatives can introduce a proposal for a new class of licensing standards to the Department of Children's Services' Commissioner or Licensing Division. These proposals will then be introduced as the next Licensing Standards Committee is convened and the committee will vote as to whether to take up the development of the newly proposed class of standards.

At this time, no new class of standards has been proposed.

- 4. The committee is also required by statute to review the standards and regulations of each existing class of child care agency every four years "or more frequently as the commissioner may direct." Please list all classes of existing child care agencies and the last time the standards and regulations of each were reviewed.**

Family Boarding Homes/Group Care Homes	FY 2007
Residential Child Care Agencies	FY 2007
Child Placing Agencies	FY 2007
Juvenile Detention Facilities	FY 2007
Temporary Holding Resources	FY 2007
Runaway Homes	FY 2007
Maternity Homes	FY 2007
Child Abuse Prevention Agencies	FY 2007

- 5. Statute specifies that the committee shall "cease to exist upon submitting its recommendations to the commissioner, but may be re-established by the commissioner at any time to further review its recommendations or to consider additional standards or regulations or to consider revisions to the standards or regulations." Does the committee retain the same membership each time it is "re-established" or does membership change?**

Generally, committee membership changes each time it is re-established, although there will on occasion be some members who "carry over" from one committee to the next. In choosing committee members, the department reaches out to representatives from child advocacy groups, members of the legislature, the Administrative Offices of the Court, academics in related fields and representatives from those entities regulated by the rules currently under consideration. In so doing, we seek to establish a committee that is sufficiently diverse in its representation in order to have more effective and efficient standards and regulations.

6. How many times has the committee met during fiscal years 2011 and 2012, and how many members were present at each meeting?

The committee did not meet during FY 2011 and has not yet met in FY 2012. We anticipate at least one meeting in FY 2012.

7. What per diem or travel reimbursement do members receive? How much was paid to committee members during fiscal years 2011 and 2012?

Committee members are reimbursed for travel at the current state rate at the time the committee convenes. This includes reimbursement for mileage, accommodations and established per diems. Expenses are submitted to the department by voucher and reimbursed according to DCS fiscal policy.

To date, no expenses have been accrued by committee members during fiscal years 2011 or 2012.

8. What were the committee's revenues (by source) and expenditures (by object) for fiscal years 2011 and 2012?

The committee does not have revenues.

To date, no expenses have been accrued by committee members during fiscal years 2011 or 2012.

9. How does the committee ensure that it is operating in an impartial manner and that there is no conflict of interest?

Every rule in each licensing class is reviewed by the entire committee. During this review process, opportunities are provided for comments to be made by any committee member regarding existing rules, or proposals made regarding the addition of new rules. Each revision and proposal is put to the question among the entire committee and a consensus is reached before proceeding. Those revisions/proposals for which no consensus may be immediately reached, or for which additional research is required, are temporarily tabled pending further discussion and addressed at a later time. The diversity of representation among committee members ensures a balanced discussion on each standard and, by extension, the impartiality of the Licensing Standards Committee as a whole.

10. Is the committee subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the committee have for informing the public of its meetings and making its minutes available to the public?

The Licensing Standards Committees are subject to Sunshine law requirements. The public is informed of the meetings through press releases. Minutes are available through the DCS Licensing Office. All notices, minutes, lists of committee members and related expenditures for the 2012 Licensing Standards Committee can be forwarded for review by the Government Operations Committee upon request.

11. Describe any items related to the committee that require legislative attention and your proposed legislative changes.

Nothing requires legislative change. All proposed policy changes will follow the normal rule making procedures.

12. Should the committee be continued? To what extent and in what ways would the absence of the committee endanger the public health, safety or welfare?

The Department of Children's Services believes it is important that an independent body of concerned stakeholders be involved in the creation of the rules. Because of the disparity among programs both within each class and across the various classes in terms of size, populations served, scopes of services, contractual relationships with the department, it is important to have concerned groups involved in the development of impartial rules. However, it is ultimately up to the General Assembly to determine whether this is the most effective measure of gathering stakeholder input.

13. Please list all committee programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

[Federal financial assistance includes:

- (1) Grants and loans of Federal funds,
- (2) The grant or donation of Federal Property and interests in property,
- (3) The detail of Federal personnel,
- (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and

(5) Any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

28 C.F.R. Sec. 42.102(c)]

[The term recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

28 C.F.R. Sec. 42.102(f)]

If the committee does receive federal assistance, please answer questions 14 through 21. If the committee does not receive federal assistance, proceed directly to question 20.

The committee does not receive direct federal funding.

14. Does your committee prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

N/A

15. Does your committee have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

N/A

16. To which state or federal agency (if any) does your committee report concerning Title VI? Please describe the information your committee submits to the state or federal government and/or provide a copy of the most recent report submitted.

N/A

17. Describe your committee's actions to ensure that committee staff and clients/program participants understand the requirements of Title VI.

N/A

- 18. Describe your committee's actions to ensure it is meeting Title VI requirements. Specifically, describe any committee monitoring or tracking activities related to Title VI, and how frequently these activities occur.**

N/A

- 19. Please describe the committee's procedures for handling Title VI complaints. Has your committee received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).**

N/A

- 20. Please provide a breakdown of current committee staff by title, ethnicity, and gender.**

See Attached Exhibit A. The committee does not have any dedicated staff. A list of all participating 2012 committee members will be furnished for review upon request.

- 21. Please list all committee contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.**

No individual contracts were established in the execution of the Licensing Standards Committee's activities. It is anticipated that this will likewise be the case for the 2012 committee.

Exhibit A

Proposed 2012 Licensing Standards Committee Members

Name	Agency	Region	Demographic
Sherrie Feathers	Frontier Mental Health	ET	
Pam Wolf	Harmony Adoptions	ET	
Jack Parks	Partnership FCA	ET	AA
Jeff Sweeney	Arrowhead Ranch	MT	
Kathy Joyner	Omnivisions	MT	
Phyllis Schafley	Camelot Care, Inc	MT	> 60
Rick Powell	Shelby Detention Center	WT	
Hughes Johnson	Youth Villages	WT	
Eunicetein Johnson	Goodwill Homes	WT	AA
Millie Sweeney	TN Voices for Children	AL	
Deborah Marsten	Bethany Christian Services	AL	
Elvira Newcomb	Administrative Offices of the Courts	AL	